

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim1-12, drawn to a data acquisition system, classified in class 348, subclass 211.99.
- II. Claim13-16, drawn to a data acquisition management system, classified in class 348, subclass 211.99 or class 709, subclasses 207 and 223 or class 707, subclass 234.
- III. Claim17-18, drawn to method/process of managing a data acquisition system, classified in class 348, subclass 211.99 or class 709 subclasses 207 and 223.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because invention II, a data acquisition management system can qualify as any managing system without the particularities of invention I. Furthermore, the invention I does not need any technical management to

be fully operational. The subcombination has separate utility such as for a camera taking pictures or a scanner going through a document.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Inventions II and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the instant case, invention III can be used in any data acquisition system. Invention II as written above can qualify to be used as a management system for any data acquisition equipment such as a printer, a scanner, etc.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marly Camargo whose telephone number is (571) 270-3729. The examiner can normally be reached on 6:00AM - 10PM, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marly Camargo/

Patent Examiner
AU4157 DKS 3015
Phone: (571) 270-3729
e-mail: marly.camargo@uspto.gov

/Vu Le/
Supervisory Patent Examiner, Art Unit 4157
Patent Training Academy